

JPA 84-06

84 512143

PROJECT: F-023-1
HIGHWAY: Gila Bend-Buckeye
SECTION: Temporary Flooding Detour
COUNTY: Maricopa

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT entered into this 3RD day of JULY, 1984 between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the COUNTY OF MARICOPA, a body corporate and politic, acting by and through its Board of Supervisors, hereinafter called "County"; and

WHEREAS, State is empowered by Sections 11-951 through 11-954 and by Sections 28-108 and 28-1866, Arizona Revised Statutes to enter into this agreement and the Director of the Arizona Department of Transportation has by Resolution attached hereto, delegated to the undersigned the authority to execute same on behalf of the State; and

WHEREAS, County is empowered by Section 11-251 Arizona Revised Statutes to enter into this agreement and acting by and through its duly elected governing body has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of County; and

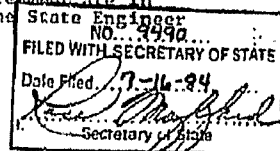
WHEREAS, in past years when flows in the Gila River are great enough, State Route 85 has become inundated and it has been necessary to close said highway at a point north of Gila Bend and south of Palo Verde Road, just south of Buckeye. In order to lessen the impact of such closure, the parties feel that an emergency detour should be established which would direct traffic on S.R. 85 along Patterson Road at Mile Post 137.83 to Old U.S. 80 and then continue along Old U.S. 80 back to S.R. 85 at Mile Post 149.10.

WHEREAS, such detour route consists of County Roads but the parties feel that whenever such emergency detour becomes necessary due to flooding, said detour should then become a temporary part of the State Highway System and be maintained, regulated and controlled by the State for the benefit of vehicular traffic flowing both North and South on S.R. 85 during all future emergencies.

THEREFORE, both parties agree as follows:

STATE SHALL:

1. In the event of any future emergency flooding of said Highway 85 by the Gila River at or near the crossing of S.R. 85 near Palo Verde Road south of Buckeye, the State Highway Engineer or his designated District Engineer shall immediately and by the most rapid method of communication advise the County Engineer that the State is activating the emergency detour encompassed by this agreement and is thereby temporarily taking the same into the State Highway System. Such transfer shall occur as of the date and time the County Engineer is so advised.
2. The State Engineer or his designated representative shall immediately thereafter confirm in writing the actions taken denoting the exact time and date such transfer took place and that the terms and conditions of this agreement are in effect until the emergency is cancelled by the State Engineer in writing.



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3. Upon advising the County Engineer or his designated representative that this agreement for an Emergency Detour Route has been activated, the State shall assume complete jurisdiction of said Detour Route as if the same were a part of the State Highway System and shall be responsible for any and all maintenance, signing, traffic control or other action required to keep the Detour passable for vehicular traffic during the period of the emergency. The State shall also assume full responsibility and liability for said roadway as if the same were a permanent part of the State Highway System.

4. Prior to the opening of such Emergency Detour, the State Engineer or the District Engineer as his designated agent, shall thoroughly inspect the Emergency Detour Route making detailed notations of the condition of said roadways and shoulders thereof and inspect all bridges and structures along the route to determine the condition thereof prior to taking the same into the State Highway System. Upon the cancellation of such emergency and advising the County Engineer that such route is no longer needed as an Emergency Detour, return the roads to the County jurisdiction in a condition equal to that as of the time of the take-over, by performing any normal maintenance repairs or replacements as necessary to accomplish that purpose.

COUNTY SHALL:

1. Upon notification by the State Engineer or his designated agent, release jurisdiction of said County roads which shall comprise the said "Emergency Detour Route" by acknowledgment to that effect as to the date and time the temporary transfer of jurisdiction shall have taken place and does hereby agree that the same shall have become a temporary part of the State Highway System without the usual resolution required by A.R.S. 28-1861 through 28-1864; EXCEPT as otherwise provided for later in this agreement.

2. Inspect said temporary detour route at the time of transfer to the State to determine its condition as of that time. Such inspection, if possible, should be done jointly with a designated engineer from the State or the District Engineer's Office so that both parties are able to arrive at a joint determination of the condition of the roadway at that particular time for the purpose of later determining what normal maintenance or repairs should be done by the State in order to return the roadway to the County in the same or as good condition as it was at the time of the take-over as a temporary part of the State System.

3. Upon being notified by the State Engineer or his duly authorized representative that the temporary detour is no longer needed, accept said roadway back as a County Road and thereafter continue maintenance and repair of the same and reassume full responsibility and liability for said roadway as a part of the County Road System until such time as the same may again be needed by the State for the purposes herein stated.

THE PARTIES HERETO further mutually agree as follows:

1. That upon the execution hereof by both parties, the State shall immediately institute and submit to the State Transportation Board an appropriate recommendation and resolution for taking said State Route (County Highway) into the State System on a temporary basis, when and if the same is needed for such flooding emergencies at such future times as may be determined by the Director or the State Engineer.

2. Any notice to the County as provided by A.R.S. 28-1863 prior to such designation and acceptance by the State Transportation Board is hereby waived by the County.

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3. Upon such designation and acceptance by the State Transportation Board, a full and complete copy of said recommendation and resolution shall be furnished to the County Engineer.

DURATION, TERMINATION AND ARBITRATION

This agreement and the resolution contemplated herein shall remain in force and effect for a period of five (5) years from the effective date hereof unless terminated earlier by mutual consent of the parties hereto or unless this agreement violates any Arizona Law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless either of the parties hereto serves written notice upon the other, 30 days prior to such expiration date, that this agreement shall be terminated and cancelled.

All parties are hereby put on notice that this agreement is subject to cancellation by the Governor of Arizona, pursuant to Arizona Revised Statutes, Section 38-511. The obligations of the State under the terms of this agreement and resolution are subject to the allocation of funds and resources by the Legislature and the Arizona Transportation Board.

In the event of any controversy which may arise out of this agreement, the parties agree to abide by required arbitration as is set forth for public works contracts in Section 12-1513 (B) and (C) of Arizona Revised Statutes as amended.

FILING WITH SECRETARY OF STATE

THIS AGREEMENT shall be filed with the Arizona Secretary of State and shall become effective upon filing.

IN WITNESS WHEREOF, the parties have executed this agreement.

COUNTY OF MARICOPA

JUN 4 1984

DATE

BY

TITLE

ACTING
CHAIRMAN

ATTEST:

Clara Collis
CLERK, BOARD OF
SUPERVISORS

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

BY

W. O. FORD

Chief Deputy State Engineer

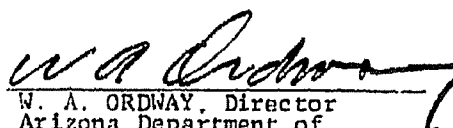
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PROJECT: F-023-1
HIGHWAY: GILA BEND-BUCKEYE
SECTION: Temporary Flooding Detour
COUNTY: Maricopa

RESOLUTION

BE IT RESOLVED on this 3rd day of October, 1983,
that I, W. A. Ordway, Director of the Arizona Department of
Transportation, have determined that it is in the best interests
of the State of Arizona that the Department of Transportation
acting by and through the Highways Division, enter into an
Intergovernmental Agreement with Maricopa County for temporary
use of certain county roads as a Detour during flooding of
the Salt River and closure of State Route 85 near Buckeye,
Arizona, as a result thereof. Said agreement shall make
such county roads a temporary part of the State Highway System
during such times as the need requires and jurisdiction and
maintenance thereof shall be transferred to the State during
such periods and to be returned to the County when such need
ceases to exist.

THEREFORE, authorization is hereby given to draft
said agreement and any Resolution required to be presented to
the Transportation Board. Upon completion of said agreement
the same shall be submitted for approval and execution by the
Chief Deputy State Engineer.


W. A. ORDWAY, Director
Arizona Department of
Transportation

AGENDA INFORMATION FORM

DIVISION: PUBLIC WORKS/HIGHWAY 841

BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:

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To eliminate delay in detouring State Route 85 traffic when the Highway is closed by flooding at the Gila River, the State Department of Transportation (Highway Division) proposes an Intergovernmental Agreement that will allow the State to take over certain County roads for the detour. During the time of detour the County roads will be maintained by the State and returned, in as good or better condition, after the emergency is over.

It is recommended that the Board of Supervisors approve and execute the Agreement.

Please return to the County Clerk
the Clerk of the Board of Supervisors.

MOTION: It is moved that the Maricopa County Board of Supervisors... approve and execute an Intergovernmental Agreement with the State Department of Transportation for the purpose of providing a detour for S.R. 85 during times of flooding at the Gila River.

FINANCIAL: Budgeted Contingency Budget Amendment Transfer Grant or other

\$
Total Cost Fund Financial Officer Date

PERSONNEL:**OTHER:**

Personnel Director Date (Signature) Date

LEGAL: Approved as to form and within the powers and authority granted under the laws of the State of Arizona to the Maricopa County Board of Supervisors.

 4/10/84
Deputy County Attorney Date

DEPARTMENT: Highway 6400

APPROVED FOR AGENDA:

 4/2/84
Action Recommended By Date

 4-2-84
Approving Official Date

BOARD OF SUPERVISORS: Action taken:
Approved Disapproved Deleted

RECOMMENDATION OF COUNTY MANAGER:

Continued to:
(Date & type of meeting)

Approve Disapprove

Comments:

 6-4-84
Clerk of the Board Date

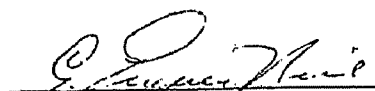
County Manager Date

(Revised 1/83)

1300-008 R1-83
3/30/84 HEG

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The attached agreement is in proper form and within the
power and authority of the governing Board to execute.


Deputy County Attorney

April 10, 1984
(Date)



OFFICE OF THE
Attorney General
TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1690

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ROBERT K. CORBIN
ATTORNEY GENERAL

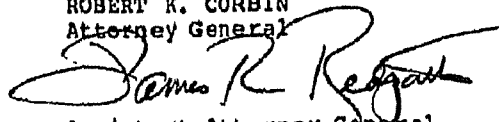
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 84-158, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 11th day of July, 1984.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division

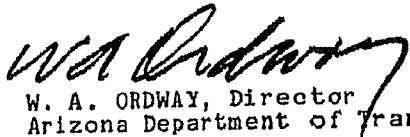
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ROUTE: State Route 85
PROJECT: F-023-1(General)
HIGHWAY: GILA BEND-BUCKEYE
SECTION: Intermittent Temporary
Emergency Detour
COUNTY: Maricopa
ENGINEERING DISTRICT III

November 16, 1984
Resolution 84-11-A-76

I, W. A. ORDWAY, Director, Arizona Department of Transportation, do hereby certify that the foregoing is a true and correct copy from the Minutes of the Transportation Board made in official session the 16th day of November, 1984.

IN WITNESS WHEREOF I have hereunto set my hand and the Official Seal of the Transportation Board this 16th day of November, 1984.



W. A. ORDWAY, Director
Arizona Department of Transportation

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